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ABSTRACT

The parental right to select a child's school involves more than the option to choose nonpublic education. This document reviews a number of policy options availaable to public education systems for providing educational choice. Options at the state level include the use of education vouchers, subsidized transfer to selected schools, and authorization of home instruction. States can also encourage options at the local level by allowing school choice within a district, permitting variations in curriculum among district schools, and providing different avenues to accreditation. Local districts can establish policies for choice by easing attendance area restrictions, enabling students to change teachers when appropriate, establishing special schools to provide focused programs for selected groups of students, and relaxing curricular rigor. Providing greater choice involves confronting administrative, fiscal, social, and political obstacles, but the potential benefits appear to warrant some degree of flexibility. (PGD)

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# CHOICE WITHIN THE SYSTEM

## An Issue Analysis Paper

**DISCUSSION DRAFT**

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of the Northwest and Pacific

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## CHOICE WITHIN THE SYSTEM

### Introduction

"Choice" has become one of the buzzwords of education in the eighties. Freedom to choose the kind of school one's offspring will attend is being promoted, for a number of credible reasons, as an unarguable right of parents.

Parental choice in matters of education is consistent with the principles underlying the American social and political system, and has been firmly upheld by a series of Supreme Court decisions stretching over a period of half a century or more--for example, Meyers v. Nebraska (1923), concerning parents' rights to have German taught in the public schools; Pierce v. Society of Sisters (1925), affirming the right of parents to have their children attend nonpublic schools; and Wisconsin v. Yoder (1972), reversing a lower court ruling which ordered Amish parents to comply fully with the state compulsory attendance laws, notwithstanding their religious convictions. Of course, other court rulings have restricted parental choice in a number of education areas, but only in matters involving a "compelling state interest."

"Choice" is seen as a way of protesting the allegedly "monolithic" nature of the public school system. Choice gives parents a direct voice--and hence a more direct stake--in the way schools are run and the programs they offer. Students also benefit: it is maintained that they

respond favorably to having a choice of schools and/or programs within the school. Teachers, too, benefit because students who attend as a matter of choice comprise less of a captive audience--they may be more willing, even eager, to learn. Teachers further benefit by having themselves an opportunity to exercise a degree of professional choice, seeking assignment to a particular kind of school from the variety of educational approaches that might be offered under a "choice" system.

Since providing opportunities for greater educational choice would appear to have so many benefits, it is perhaps unfortunate that the word has come to mean exercising a choice between the public school and the private school. That is one option, to be sure, but there is also a range of choices to be made within the public school system. Such choices are the subject of this issue analysis paper.

The present analysis is limited to policy options in providing choice within the system at the state and local levels, since the current federal initiative in this area, specifically the proposal to give vouchers to Chapter I parents, includes a provision which would allow parents to go outside of the public educational system to select nonpublic education for their children. That is an issue beyond the scope of this paper.

## State-Level Provision for Educational Choice

To offer parents and students a greater range of educational choices, some legislatures and/or state departments of education have established state-level programs which formalize the intent to bring more variety into the publicly supported school system. Some examples may be briefly cited

to illustrate the possibilities of this sort of policy option. These references to particular states will be illustrative only, with no attempt here to explain in detail or to critique these programs.

The widely discussed Minnesota plan provides state authorization and state support in the form of education vouchers which can be used by parents to place their children in schools other than the site of normal enrollment at the college level, this could include the choice of nonpublic institutions.

The Colorado plan would allow students who have been, for one reason or another, unsuccessful in the school in which they had been regularly enrolled a "second chance" by subsidizing their transfer to schools outside their place of normal attendance, including vocational schools.

South Dakota legislation offers parents residing in school districts with a high school enrollment of fewer than forty-five students an opportunity to send their children--with tuition paid by the state--to a larger high school in an adjacent district in order to afford the student a wider curricular choice.

Washington offers a parental choice opportunity (one that takes the child out of the public school but does not involve private school attendance) by vastly liberalizing the standards for home instruction.

These are but a few examples of a growing number of proposals for far-reaching state-level promotion of educational choice within the public school system. The Minnesota plan does allow choice outside the public system as well, but only at the collegiate level.

The consequences to the state educational system of establishing a statewide policy of basic restructuring of the conventional system are

still largely unknown. These state-level plans have not yet been tested long enough to permit assessment of their problems or their successes.

A few preliminary observations regarding probable consequences would nevertheless seem warranted. "Choice" plans such as these do, in fact, offer real options which parents may exercise on behalf of their childrens' education. If such opportunity is considered by the state education decision makers to be of paramount importance, then any resultant dislocations, difficulties or additional costs would be of relatively little concern: the primary intent is to expand choice opportunities, period.

However, it might be considered desirable by those charged with making such decisions to balance the negatives of the program against the perceived values of providing parental choice before a final decision is made to embark on a statwewide "choice" program.

For example, if the program requires issuance of vouchers, the very terminology that is used raises some serious questions. The term "vouchers" has been so closely identified in the public mind with the concept of providing public support for private education that two opposing groups may be misled or disappointed: those who oppose governmental funds for attendance at private schools will think that they have been betrayed; and those who favor giving parents a sum of money to use at any school of their choice may think that they have been deliberately misled.

Therefore, states may wish to examine carefully options other than basic fiscal restructuring of the system for offering education choice. Many moves have already been made in that direction. One is that of allowing/encouraging local districts to set up separate kinds of schools at

the local level, and to determine locally how they will alter normal attendance rules and attendance patterns to allow parents a relatively free choice of which kind of school their children will attend within the district.

The state may wish to relax its insistence on local adherence to prescribed state standards for curriculum content, textbook selection, "core" requirements and graduation standards, allowing the locally elected board of education a greater latitude in making decisions concerning these matters. The state may wish to say, in effect, that it will not interfere with the exercise of local choice among educational options provided that certain bare-essential conditions are met. Thus, parents will be less likely to feel constrained, or even victimized, by a "monolithic" or "monopolistic" educational system if it is one which reflects their choice through their elected board of education.

Furthermore, the state could, as a matter of established policy, provide for optional ways through which local schools can seek and gain accreditation. (The state of Washington, to cite only one example, has pioneered in providing a number of avenues to school accreditation.) If the standards and methods of school accreditation provide for the exercise of a degree of local option, yet another element of choice has been introduced into the public school system.

Of course, every state-sponsored provision for expanding the range and influence of parental choice runs the risk of dilution of programs and lowering of standards if local parents, through the local boards, make "wrong" choices. As in every other problem regarding the optimum placement of crucial decision points within the governance system, the state

(legislature and board of education) must balance the relative merits of "choice" and of centralized authority. Perhaps the application of this balancing test can be illustrated by turning our focus from the state to the other level at which choice may be exercised, the local school district.

## Local Provisions for Educational Choice

Many of the areas in which the local public school system can offer choice to parents (and in some measure to students) have already been touched on in the consideration of statewide options. It is the state which provides the legislation, the administrative rules, the financial support as needed, and--most significant--the leadership to make the choice in education a possibility. But it is the local district which can make choice a reality.

Very important, then, are the opportunities which may be available to the local district to exercise initiative in expanding the areas and opportunities for choice in education. For if by "choice" is meant basically greater freedom for parental/student selection of different kinds of educational experiences--if "choice" is not simply a code word for public support of the private school option--there are at least four areas in which the local district can establish effective policies.

1. Choice of Attendance Area. Given favorable state laws and regulations, local districts can make it easier for parents to choose the particular school their children will attend. Loosening the often-binding rules with respect to attendance creates problems: planning and record-keeping are made more complex; racial, ethnic and socioeconomic

balance must be maintained; some fiscal concerns may become stumbling blocks. Complete open enrollment is likely not to be feasible, therefore, but relaxation of rigid rules may be advisable in order to give assurance to parents that their voices are heard, their concerns taken seriously and their preferences honored whenever possible.

Even those choices which would take the students across district lines to a school which would better meet the perceived needs of the individual are not impossible--complicated and even troublesome, to be sure, but not impossible. Some of the statewide "choice" programs in operation or envisioned attempt to address the problem with a sort of voucher system, but it could be argued that vouchers (a loaded and controversial term at best) are not really needed; creative bookkeeping could do the job.

2. Choice of Teacher. Most local districts operate under written policies spelling out the procedures to be followed when a parent (or child) is for some reason dissatisfied with or is not getting along with a particular teacher. These rules are surely necessary; random, at-will movement of the student from one classroom to another is out of the question. But do the procedures need to be so rigid as they often are? Does the parent or student need to be made to feel so much like a guilty supplicant in wanting to make a move? There is reason to believe that much of the parental feeling of frustration with the educational system which they see as paying no attention to their desires, which gives them no choice, stems from the perception--right or wrong--that the transfer of a child from one classroom to another is made too difficult, often even embarrassing. A local-district policy option might simply be to make the process less traumatic.

3. Special Schools. Large metropolitan districts may have the resources to set up special schools at the secondary level to accommodate parental and student choice of focused programs in science, the arts, or very specialized vocational training. "Alternative schools," as they are called, for potential or actual dropouts, and special-need schools, as those for pregnant teenagers, may be other possibilities. Magnet schools, designed with outstanding programs calculated to attract students with some special concern or interest, have often been operated very successfully.

Districts with fewer resources may be denied these options, but smaller-scale adaptations of the basic idea of providing special-school programs have been successfully undertaken. One of these adaptations at the elementary level is the establishment of attendance centers with varying outlooks, emphases, or climates, among which parents can make a choice for their children. Perhaps the most common is the so-called "basics" or "fundamentals" school, complete with restrictive dress code, strict disciplinary standards, a very traditional curriculum and teacher-directed methodologies. This could give opportunities for parental choice-within-the-system; so could the opposite, a school with a determinedly free, innovative, "progressive" outlook. Either one would offer a distinctive parental-choice opportunity.

If such distinctive attendance centers should not be possible--or even, as a matter of educational policy, desirable--programmatic variations within a given school present a possible policy option. Gifted and talented programs; special education, with its mandated IEPs; specialized language programs--these are already familiar choices which might become prototypes for similar programs within the existing school framework.

4. Choice Within the Curriculum. It is doubtful that anyone examining thoughtfully the education policy options which could lead to provision of greater parent/student choice within the educational system would be so foolhardy as to suggest that we return to the cafeteria-style, anything-goes curriculum practices associated with the freewheeling sixties. That simply is not a credible option.

But it may not be at all unreasonable to suggest that one policy option which could well be examined is this: to pull back from the new rigidity of the state-imposed regulations, standards and graduation requirements which may result in narrowing curriculum choices to an unhealthy degree.

The effective schools research and other persuasive evidence has indicated that the curriculum, particularly at the secondary level, needs to be more sharply focused. Both popular and professional opinion lend credence to the belief that graduation requirements, over the sixties and seventies, had become rather--well, sloppy!

In tightening up and trimming down the curriculum, however, choice of what one studies has been severely curtailed for many students, perhaps to the detriment of their academic, their social and their personal development.

It is at least conceivable that not every student's life will be enriched by studying Macbeth, mastering the Pythagorean theorem, or even--heresy of heresies--taking a formal course in computer literacy. It can be persuasively argued that the "core" has become a cage, walling the student into a narrow spectrum of experiences--"cabin'd, cribb'd, confined." ("See," gloats the traditionalist, "Shakespeare is useful!") If choice is taken seriously by education decision makers as a priority

option to be pursued, then some relaxation of the growing curricular rigidity may be in order.

## The Limits of Choice

Notwithstanding the many compelling arguments which can be marshalled in support of providing for greater parental/student choice within the existing system of public education, such "choice" is not an unmitigated good. Choice has inherent limits.

Some of the limits are practical ones; "choice" runs into difficulties--administrative, fiscal, social and political. The experience of both local and statewide attempts to provide greater choice-within-the-system shows clearly that this is not an easy road to follow. Simply managing a "choice" program, local or state, is administratively more complex and time-consuming than is the task under a no-choice edict. Additional costs are to be expected, and this in a time of increasingly severe fiscal constraints.

But the administrative and fiscal limits are not as troublesome as the social and political ones. In one urban district in a western state, a highly popular and warmly praised system of unrestricted attendance choice--essentially, completely open enrollment--worked well for a time until it was belatedly discovered that the chief result was serious racial and socioeconomic imbalance in the affected schools.

In another state, a scheme (suggested by the state department of education, and authorized and funded by the legislature) which allowed students in very small high schools with limited offerings to transfer

freely and without cost to larger districts with broader curricula is now the subject of legal attack by the parents of these children. The ostensible grounds for seeking to void the law involve technical questions about the wording of the legislation, but the real reason for the challenge is the fear that the small-town basketball leagues will be disrupted.

In another state, what appears to be a very straight-forward plan to allow high school students to take college level courses as part of their program is reported to have become suspect among some local school administrators who fear that the plan will syphon off some of the time and interest of their best students, thus diluting the quality of the secondary schools involved.

These practical limitations which cause reluctance to adopt "choice" programs are accompanied by even more complex policy issues. Should parents (and/or students) have unlimited choice-within-the-system, or are some restrictions socially and philosophically desirable? For example, is it sound policy to let parents simply take their children out of school and educate them at home, or not at all? Is it sound policy to let parents choose to pull their children out of physical education classes because of the "immodesty" of gym shorts? Should parents be given the right, as a matter of educational policy, to challenge the inclusion of certain texts or topics in the school curriculum because the material is deemed "unsuitable" for their children?

The answer, both legally and philosophically, to the questions in the paragraph above is probably "yes," but always a qualified yes--qualified by the principle that the choice of the <u>degree</u> of choice to be permitted with the system is within the province of the legally constituted bodies of educational decision makers. Choice has limits.